

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADJUSTACAM, LLC.

Plaintiff,

vs.

AMAZON.COM, INC., ET AL.

Defendants.

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**CASE NO. 6:10-CV-329
PATENT CASE**

ORDER

Before the Court are Wal-Mart Stores, Inc.'s Motion to Dismiss Claims of Indirect Infringement,¹ (Docket No. 147); and Dell, Inc.'s Motion to Dismiss Claims of Indirect and Willful Infringement² (Docket No. 164). Defendants' motions are directed at Plaintiff's First Amended Complaint (Docket No. 111). Since the filing of these motions, Plaintiff has twice amended its Complaint. *See* Docket Nos. 469 and 485. The Third Amended Complaint contains substantive changes that address Defendants' arguments in these pending motions. Accordingly, the motions are **DENIED as MOOT**.

The Court notes that Adjustacam, LLC has already served its Patent Rule 3-1 disclosures. *See* Docket No. 451. Rule 3-1 disclosures are far more detailed than Rule 8's pleading requirements.

¹ Joined by Jasco Products Company (Docket No. 161), Target Corporation (Docket No. 162), and Radioshack Corp. (Docket No. 168).

² Joined by Newegg Inc. and Newegg.com Inc. (Docket No. 175), Fry Electronic, Inc. (Docket No. 196), Hewlett-Packard Co. (Docket No. 197), Micro Electronics, Inc. (Docket No. 198), Office Depot, Inc. (Docket No. 199), Lifeworks Technology Group, LLC (Docket No. 213), Creative Labs, Inc. (226), Overstock.com, Inc. (Docket No. 261), Kmart Corp. (Docket No. 262), Sears Brands LLC (Docket No. 264), Sears Holding Corp. D/b/a Sears (Docket No. 265), Sears, Roebuck and Co. (Docket No. 266), and Conn's, Inc. (Docket No. 291).

Thus, before the Court ruled on this motion, Defendants had already received greater specificity than what they sought in this motion, rendering this motion superfluous for all practical purposes. The Court strongly encourages the parties to try this case on the merits and not unnecessarily burden the Court with technical issues that lack practical substance.

So ORDERED and SIGNED this 8th day of September, 2011.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**